

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SHERRY J. RODRIGUEZ,)	CASE NO. 1:14-CV-1623
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
CAROLYN W COLVIN,)	ORDER ADOPTING
ACTING COMMISSIONER)	MAGISTRATE’S REPORT AND
OF THE SOCIAL SECURITY)	RECOMMENDATION
ADMINISTRATION)	
)	
Defendant.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge George J. Limbert. The Report and Recommendation (ECF # 18), issued on July 20, 2015, is hereby ADOPTED by this Court.

Plaintiff, Sherry J. Rodriguez, (“Plaintiff”) filed a Complaint on July 22, 2014 requesting judicial review of the final decision of the Commissioner of Social Security denying her application for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”). (ECF #1).

Plaintiff argues that the decision of the Administrative Law Judge (“ALJ”), issued on March 13, 2013, is improper for three reasons: (1) the ALJ failed to properly consider Plaintiff’s lupus when determining whether Plaintiff was impaired under the listed impairments of 20 C.F.R. §404; (2) the ALJ’s determination of Plaintiff’s residual functional capacity (“RFC”) was inaccurate; and (3) the

ALJ failed to discuss or assign weight to the opinion of Dr. McCloud, a state agency physician. (*See* ECF #13). Defendant filed its responsive brief on January 7, 2015, arguing that the ALJ's decision was appropriate and should be affirmed. (ECF #15).

On July 20, 2015, Magistrate Judge Limbert issued a report reversing the ALJ's decision and remanding the matter "for reconsideration and proper analysis of Plaintiff's impairments under Listing 14.02." (ECF #18, p. 11). Magistrate Limbert indicated that this Court should deem the issues regarding the RFC determination and the weight given to Dr. McCloud's opinion as moot, because the ALJ will have the opportunity to reconsider both issues upon remand. (*Id.*). Defendant filed a response to the Magistrate's Report, indicating that it would not file any objections to the Report. (ECF #19).

The Court has reviewed *de novo* the Report and Recommendation, *see Ohio Citizen Action v. City of Seven Hills*, 35 F. Supp. 2d 575, 577 (N.D. Ohio 1999), and ADOPTS the Report and Recommendation in its entirety. IT IS SO ORDERED.

/s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: Sept. 3, 2015